

HEALTH AND SAFETY CODE

SECTION 119300-119309

119300. For purposes of this chapter, the following definitions shall apply:

(a) "Tattooing" means to insert pigment under the surface of the skin of a human being, by pricking with a needle or otherwise, to produce an indelible mark or figure visible through the skin.

(b) "Body piercing" means the creation of an opening in the body of a human being for the purpose of inserting jewelry or other decoration. This includes, but is not limited to, piercing of an ear, lip, tongue, nose, or eyebrow. "Body piercing" does not, for the purpose of this chapter, include piercing an ear with a disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear.

(c) "Permanent cosmetics" means the application of pigments to or under the skin of a human being for the purpose of permanently changing the color or other appearance of the skin. This includes, but is not limited to, permanent eyeliner, eye shadow, or lip color.

(d) "Department" means the State Department of Health Services.

119301. The California Conference of Local Health Officers shall establish sterilization, sanitation, and safety standards for persons engaged in the business of tattooing, body piercing, or permanent cosmetics. The department shall provide the necessary resources to support the development of these standards. The California Conference of Local Health Officers shall consult and adopt, to the extent appropriate, the Bloodborne Pathogen Standard (Section 5193 of Title 8 of the California Code of Regulations) of the Department of Industrial Relations, Division of Occupational Safety and Health. The standards shall be directed at establishment and maintenance of sterile conditions and safe disposal of instruments. The standards may be modified as appropriate to protect consumers from transmission of contagious diseases through cross-contamination of instruments and supplies. The standards shall be submitted to the department for review and consultation by July 1, 1998.

119302. Within 30 days after standards are adopted by the department, the department shall distribute those standards in written form to all county health departments.

119303. (a) Every person engaged in the business of tattooing, body

piercing, or permanent cosmetics shall register by December 31, 1998, with the county health department of the county in which that business is conducted. A registrant shall do all of the following:

(1) Obtain a copy of the department's standards from the county health department, sign an acknowledgment upon receipt of the standards, and commit to meet the standards.

(2) Provide the county health department with his or her business address and the address at which the registrant performs any activity regulated by this article.

(3) Pay a one-time registration fee of twenty-five dollars (\$25), to be paid directly to the county health department.

(4) Pay an annual inspection fee of one hundred five dollars (\$105) to the county health department.

(b) This section does not preclude a county from charging an additional amount if necessary to cover the cost of registration and inspection.

(c) Fees established by this act shall be used exclusively in support of activities pursuant to this chapter.

119304. Every county health department shall conduct annual inspections of the locations at which registrants under this article conduct regulated activities.

119305. (a) A county may adopt any regulations that do not conflict with, or are more comprehensive than, the provisions of this chapter or with the standards adopted by the department.

(b) This chapter does not limit a county's ability to require a registrant to obtain any business license or permit that the county finds appropriate.

(c) In those jurisdictions where the local health officer and the environmental health director are in separate departments, the county or city shall have the option to choose the entity responsible for functions pursuant to this subdivision.

119306. A person who fails to register as provided by Section 119303 or violates the sterilization, sanitation, and safety standards after December 31, 1998, shall be subject to a civil penalty of five hundred dollars (\$500) per violation. This penalty may be collected in an action brought by the prosecuting attorney of any county or city and county in which the violation occurred. All penalties collected shall be retained by the county.

119307. On or after January 1, 1999, any person seeking to engage in the business of tattooing, body piercing, or permanent cosmetics shall comply with the provisions of this chapter.

119308. The President of the California Conference of Local Health

Officers shall act as the chairperson of a task force to be formed for the purpose of recommending legislation to the Legislature concerning licensing, training, sanitation, and other subjects deemed necessary to protect the health and welfare of persons seeking the services of practitioners of tattooing, body piercing, and permanent cosmetics. The task force shall be composed of 10 persons to be appointed by the President of the California Conference of Local Health Officers, and shall include a representative from the State Board of Barbering and Cosmetology, a physician and surgeon licensed in this state, a representative from a nonprofit professional body piercers' association, a representative from a nonprofit professional tattooists' association, a representative from a nonprofit professional permanent cosmetic association, a representative from a nonprofit professional cosmetology association, and a representative from an organization representing the interests of local health departments. The president of the California Conference of Local Health Officers may appoint the remaining three members from any other groups that may, in the judgment of the president, be of assistance.

119309. This chapter does not restrict the activities of any physician and surgeon licensed under Chapter 5 (commencing with Section 2000) of Division 2.
